Before the

Federal Communications Commission

Washington, DC 20554

RECEIVED

In the Matter of)	JUN - 2 2005
Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arnold and Angels Camp, California))) RM Dock)))	Federal Communications Commission Office of Secretary KET FILE COPY ORIGINAL

Filed With: Office of the Secretary

To: Assistant Division Chief, Audio Division Mass Media Bureau

PETITION FOR RULEMAKING

KBYN, Inc. ("KI"), licensee of Station KBYN(FM), Arnold, California, by its attorney, hereby requests that the Commission amend the FM Table of Allotments as follows:

Community	Current	Proposed
Arnold, CA	240A, 291A	291 A
Angels Camp, California	 -	240A

In support thereof, the following is stated¹:

This is a resubmission of a previous rulemaking request. The engineering showing has been corrected to take into account the problems identified in the Commission's Letter dated May 6, 2006 (<u>Attachment 7</u>). Specifically, the reference coordinates have been altered to protect the vacant allotment of Channel 240A at Dos Palos, California.

As seen through review of the official web site (<u>www.cityofangels.org</u>) of the community, an excerpt of which is attached hereto as <u>Attachment 1</u>, the community is known locally as "Angels Camp." The incorporated name of Angel Camp is "City of Angels." The Census Bureau lists the community as "Angels City."

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KI is licensee of Station KBYN(FM). KI wishes to reallot Channel 240A from Arnold, California, to Angels Camp, California, pursuant to Section 1.420(i) of the Commission's Rules (47 C.F.R. § 1.420(i)), thereby improving the overall service and coverage of Station KBYN(FM). KI pledges to expeditiously file an application for construction permit to effectuate this proposed change of communities when this rulemaking is granted.

Arnold will continue to be served by Station KCFA(FM), which is licensed to Arnold, California. Since grant of this proposal will allow Angels Camp to receive its first aural allotment, grant of this proposal will result in an overall preferential arrangement of allotments.

Angels Camp is a bona fide community. <u>See Attachments 1-4</u>. The community was founded in 1848, east of San Francisco and north of Los Angeles. Based upon 2000 Census Data, the community has a population of 3004 persons.² <u>Attachment 5</u>. Based upon the newest available information, the community has a population of 3,500 residents.

The city of Angel Camp has its own post office and postal service. The community is incorporated, and the city's government includes five council members: The major, the vice-mayor, and the remaining three are council members. The city has its own sewer and wastewater system. The city also has its own police force which includes 15 men on the police force which has incorporated jurisdiction, while the sheriff department takes care of the unincorporated division. The Angels Camp fire squad consists of 22 men on the roster, mostly volunteers. There are two full time engineers and one part-time chief, all of whom dispatch to the immediate areas in and surrounding the city. Finally, Angels Camp has its own schools: Bret Harte High School. (983 students) grades 9-12, Mark Twain Elementary (761 students).

The Census Bureau lists the community as "Angels City."

As seen by the attached, from an engineering standpoint, the reallotment to Angels Camp will be in the public interest. Attachment 6. Not only will the reallotment allow for first local service to Angels Camp, the reallotment will allow for a net gain of service to 70,354 persons in 1,724.8 sq. km. Although there will be an overall loss area (of 15,472 persons in 2,255.4 sq. km.) and a loss area consisting of 388 persons where there are less than five remaining full-time services, no white areas are created, and under Commission precedent, such small underserved area is *de minimis*. Wallace, ID and Big Fork, MT, 17 FCC Rcd 2243 (MMB 2002) (underserved area of 150 persons *de minimis*); Bon Air, Chester, Mechanicsville, Ruckersville, Williamsburg and Fort Lee, VA, 11 FCC Rcd 5758, ¶ 14 (MMB 1996) (underserved area of 520 persons *de minimis*).

Accordingly, KBYN, Inc. respectfully requests that this Petition be adopted, and that the Commission issue a Notice of Proposed Rulemaking to amend the FM Table of Allotments as specified above, and accept comments thereon.

Respectfully submitted,

KBYN.

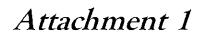
Van J. Alpert

Its Attorney

The Law Office of Dan J. Alpert 2120 N. 21st Rd. Arlington, VA 22201

703-243-8690

June 2, 2005





Welcome to Angels Camp, California "Home of the Jumping Frog"



This site last updated January 13, 2005

This beautiful little foothill town was founded in 1848 and two years later Placer gold was discovered. Located in Calaveras County, and the home of Mark Twain's famous <u>Jumping Frog Jubilee</u>, Angels Camp is nestled peacefully in the Sierra Foothills between Yosemite and Lake Tahoe, just three hours from the bay area.

Angels Camp's greatest prosperity came with the deep gold mines between 1880 and 1920. Take a walking tour of Main Street and pause for a moment to imagine. Angels is a quiet mountain town now, but at one time the city vibrated to the roar of the stamp mills and danced to the music of many saloons and dance halls. Many of the original buildings still line Main Street, buildings from the mid 1800s bearing thick stone walls and iron shutters.

Tree Adoption | City Business | Random Acts of Kindness

A Visit to Angels Camp | Employment Opportunities | History of Angels Camp

Local News | Community Information | Frog Hop of Fame

City Departments | NEW ITEMS | FAQ

Current Studies & Reports

Links

Chamber of Commerce | Calaveras County | COG (Council of Government)

Calaveras Visitors Bureau | Economic Development Company | Police Department

State Of California | Better Business Bureal | Calaveras County Fairgrounds

State & Local Government | Calaveras Youth Mentoring Program |

RIBBIT





Email The City

City of Angels
P. O. Box 667
584 South Main Street
Angels Camp, CA 95222
209-736-2181
FAX: 209-736-0709

This page has been accessed 94605 times since March 19, 1996.

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Visit Angels Camp

How to get here
Accomodations
Moving To Angels Camp

Local Events

Museum & Carriage House

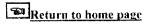
49 Things to do in Calaveras County

We suggest that you stop by the <u>Calaveras Visitors Bureau</u> and pick up a "Walking and Driving Tour Map" of Angels Camp.

As you visit Angels Camp, pause for a moment and imagine. Angels Camp is a quiet mountain town now, but at one time the city vibrated to the roar of the stamp mills and danced to the music of many saloons and dance halls. There is some humor in the fact that City Hall was the site of the Starcevich Saloon in the 1880's, and during Prohibition was a local source for bootleg. Old timers say the whiskey was hot stuff.

Some interesting places in Angels Camp include the Chicken Ladder on Hardscrabble Street. This wooden ladder was constructed by home owners residing on the narrow, "nearly vertical" street, to assist in walking up and down the hazardous slope. Many homes have front entrances on one street and back entrances on the next, as Angels Camp is built on hills and honeycombed with mine tunnels.

Utica Park was built in 1954 on the site of the Utica Mine after the ground had been leveled and shafts filled to the 60 foot level. Note the ground slippage after numerous cave-ins; the Highway on one level, the park on the next. The park originally held a huge frog pond but water seeped into the tunnels underneath causing both water and frogs to disappear.





City of Angels
P. O. Box 667
584 South Main Street
Angels Camp, CA 95222
209-736-2181

FAX: 209-736-0709

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CITY OF ANGELS CITY HALL



PO Box 667 584 S.Main St. Angels Camp, CA 95222 Phone: 209-736-2181 Fax: 209-736-0709

Tim Shearer - City Administrator

Melisa Ralston - Finance Officer

Judy King - Administrative Assistant

Debbie Powers - Account Clerk II/Web Administrator

Michelle Perkins - Account Clerk

Pant Satterfield - Account Clerk

Gary Ghio - City Engineer

Richard Matranga - City Attorney

BACK

HOME FAGE

CITY OF ANGELS POLICE DEPARTMENT



PO Box 459 200 Monte Verda St. Angels Camp, CA 95222 Phone: 209-736-2567 Fax: 209-736-0517

Please visit the Police Departments web site!!



PDF files can only be viewed with Acrobat Reader. Click on the Adobe Acrobat icon for a free download.

Available Forms online

Admonishment Security Check

Tony Tacheira - Chief of Police

Cheryl Mossinger - Dispatcher/Office Manager

Tom Spence - Sgt.

Todd Fordahl - Sgt.

Steve Poortinga - Detective

Dan Gomez - Folice Officer

Rodney Peterson - Police Officer

Jared Poortinga - Police Officer

Jim McKeon - Police Officer

Olen Murphy - Reserve Police Officer

Billy Carter - Reserve Police Officer

David Riley - Reserve Police Officer

Dave Scarborough - Reserve Police Officer

Pastor Fred Moore - Police Chaplain

Sue Miller - Relief Dispatcher/Evidence Tech

Teresa Pry - Relief Dispatcher

BACK

CITY OF ANGELS FIRE DEPARTMENT



PO Box 667 1404 E. Hwy 4. Angels Camp, CA 95222 Phone: 209-736-4081 Fax: 209-736-9048

RESIDENTIAL BURNING

FIREWISE UPDATE 2002

BURNING REGULATIONS

FIREMANS FUNDAY

FIRE HAZARD ABATEMENT

NAME	POSITION	JOINED
Scott Kenley	Fire Chief	2003
Terry Bullock	Assistant Fire Chief	1981
Dewayne Brown	Battalion Chief/Fire Marshal	1975

VOLUNTEERS

NAME	POSITION	JOINED
Gary Burns	Captain	1993
Chris Callen	Firefigher	2002
David Ferguson	Firefighter	
Scott Filkins	Firefighter	2000
Eliseo Garcia	Firefighter	1996
Thomas Hutchinson	Captain	1993
Jeff Jeanor	Firefighter	
Peter Livanos	Firefighter	2001
Norm Nason	Captain	2000
Nathan Pry	Lieutenant	
Teresa Pry	Firefighter	
Mike Scadden	Lieutenant	1988
Tom Starks	Lieutenant	1996
Roy Soracco	Lieutenant	1996

1999

Matt Trueb Battalion Chief

Mike Waldon Firefighter

SUPPORT MEMBERS

NAME	JOINED
Cindy Burns	2000
Jane Erbeck	1998
Alana Filkins	2001
Judy Nason	2001
Jerry Rocca	2001
Kathy Rocca	2001
Matthew Stammerjohan	1995
Rich Stammerjohan	1979
Glenda Weber	2000
Mark Zeyen	2001
Tammy Zeyen	2001

EXEMPT MEMBERS

The following members are or were active with the fire department for at least 10 years. They are now considered life time members.

NAME	JOINED
Bob Barnett	1987
Greg Branson	1981
Renaldo Broglio	1972
Ed Conrado	
Harold Dillashaw	1957
Dennis Dooley	1975
Ronald Eberhardt	1975
Wilbur Eberhardt	1957
Josephine Errecart	1951
Tad Folendorf	1965
Ray Foppiano	1951
Greg Gran	1977
Dave Hubbard	1982

Dill II . 1 .	
Bill Hutchinson	1969
Chris Iwata	1991
Jay Luly	
Charlie Malispina	1968
Mel Malispina	1954
Ike Mayo	1958
Eleanor Merrit	
Michael Murray	1978
Doug Newcomb	1987
Tom Osborn	1970
Ernie Raggio	1961
Pete Raggio	1952
Dave Reis	1987
Dave Rowe	1987
Frank Schena	1965
Lou Scott	1981
Al Sola	1954
Margaret Stone	1962
Kathleen Supinger	
Larry Thompson	
Anthony Zanardi	1965
Tony Zanardi (Sr)	1943

HONORARY MEMBERS

NAME	JOINED
Fenton Bolton	1947
Larry Montgomery	1995
Sandie Montgomery	1996

If you live in the city and would like to become a volunteer or support member please call the Angels Camp Fire Department at 736-4081

BACK

HOME PAGE

Attachment 2

Welcome to



A History of Angels Camp

Angels Camp Table of contents

Angels Camp

- Entrance
- Getting Around
- Brief History
- Enjoy a photo
 Tour
- Christmas

Business Directory

<u>Kindness</u>

Please tell the webguy about any problems that you encounter. The City of Angels, better known as Angels Camp, is located on scenic Golden Chain Highway 49 near Highway 4 east of Stockton, California. The history of Angels Camp is similar to that of many of California's Gold Rush towns.

In 1848 Henry Angel, a shopkeeper from Rhode Island, opened a trading post after deciding this would be a more profitable use of his time than digging for gold, thus founding the town of Angels Camp.

During the first few years, there were as many as 4,000 miners working the surface gold of Angels. This source played out quickly, but hardrock mining kept the gold industry flourishing in the area until very recently. The entire town remains honeycombed with miles of mine tunnels.

Angels Camp's population today is nearly 3,000. Its popular attractions include Moaning Caverns, an immense limestone miracle with a main cavern large enough to hold the Statue of Liberty, open to the public for trips and rappelling. The recent opening of Greenhorn Creek, home of WPGA winner and Hall of Famer Patty Sheehan, brought world class golfing to the area. The immense reservoir called New Melones Lake offers exceptional fishing and all types of water sports. The antique shops of historic old town Angels Camp keep many a shopper happy. A crowning glory is the Angels Camp Museum which has the job of

preserving artifacts from the town's mining history and includes several outdoor exhibits such as a blacksmith shop and the unique carriage house.

The residents and merchants of Angels Camp appreciate their opportunity to live and work in this environment. They are well known for sharing their enthusiasm by being generously community spirited. They sponsor several annual events. The <u>local merchants</u> use the proceeds of these events to benefit local youth. The merchants sponsored three college scholorships this past year.

The "Angels" of the City of Angels see to it that visitors feel welcome. With so much to see and do, it is recommended that overnight reservations be made early. Accommodations come in a variety of sizes and shapes in Angels Camp. Please send us a note and we'll send you more information.

Want more romance?

Angel would like to hear your ideas or comments regarding this site. angel@angelscamp.com

Entrance | Getting Around | Brief History | Christmas | Walking tour

This page has been accessed 7120 times.

Last Update: 12/13/2000 Web Author: The Rainbow Company

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Welcome to



Angels Camp Table of contents

Angels Camp

- Entrance
- Getting Around
- Brief History
- Enjoy a photo Tour

Business Directory

Kindness

Please tell the <u>webguy</u> about any problems that you encounter,

Angels Camp is a real place. We are located in the Goldrush country of Central California, this is what main street looks like. As you can see we are East of San Francisco and Sacramento and North of Los Angeles.

We are ideally situated at 1379 feet elevation with a population of 3,150. We are high enough to be above most of the winter valley fog, the extreme summer heat and below most of the winter snow. Come on up and visit.

Angels Camp is also a state of being. That state of being includes prosperity and kindness. The local merchants and townspeople have dedicated ourselves to the goal of creating a kinder and gentler place.

Our goal with this web site is to promote that state of being well beyond our own region.

Please visit our sister



Click here

Here's a new story from Donna Bailey, just <u>click here</u> to read it.

Angel would like to hear your ideas or comments regarding this site, angel@angelscamp.com

Entrance | Getting Around | Brief History | Walking tour

Last Update: 3/6/2004

Web Author: The Rainbow Company

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Welcome to



Angels Camp Index

As you can see we're right in the middle of the triangle formed by Lake Tahoe, Yosemite National Park and San Francisco.

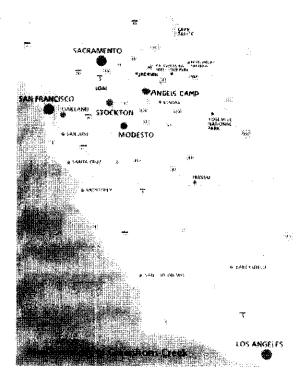
Angels Camp

- Entrance
- Getting Around
- Brief History
- Enjoy a photo Tour
- Great American Smokeout
- Thanksgiving

Business Directory

Kindness

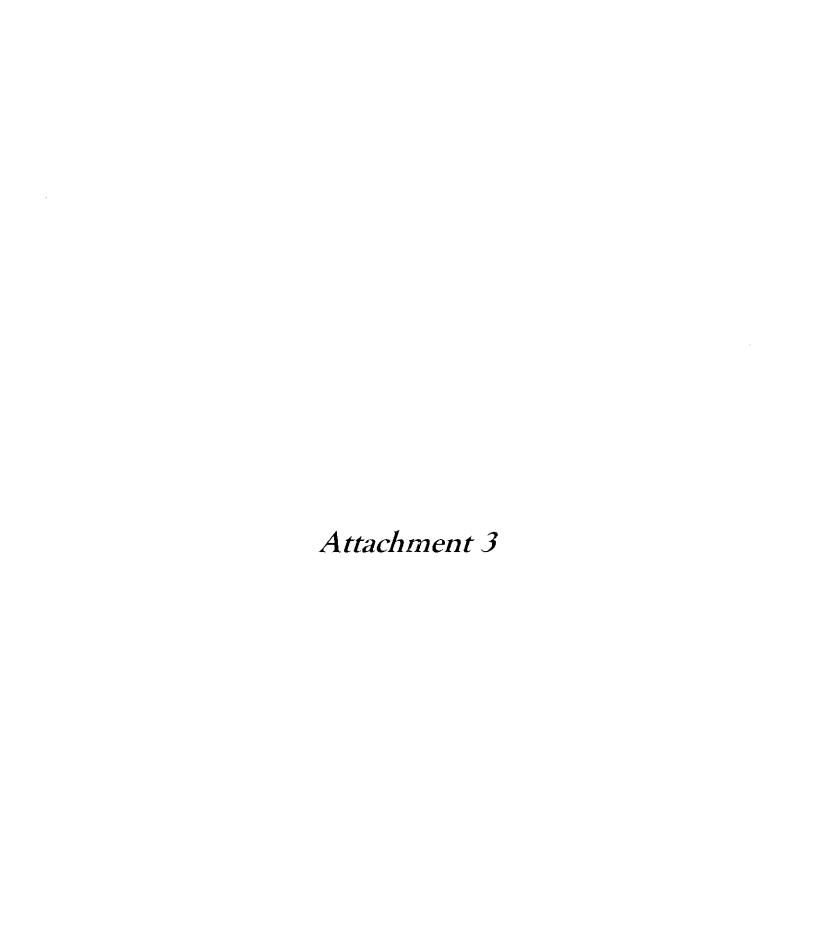
Please tell the webguy about any problems that you encounter.



Angel would like to hear your ideas or comments regarding this site, angel@angelscamp.com

Entrance | Getting Around | Brief History | Enjoy a photo Tour | Thanksgiving

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Implements and manages city purchasing systems for government agencies nationwide. Systems are customized to meet the needs of your agency at no cost. Click here	money for personal
ALL BUSINESSES	3-10-10-10-1
Angels Camp City of Police Dept 200 Monte Verda 1.25 Angels Camp. CA 95222 miles Phone: (209) 736-2567	Cover (Start An (No costs revenues GetLocalN
Business Types: Government Offices, State & Local, more	
Map Directions What's Nearby? Email a Friend Dun & Bradstreet Business Info	
Angels Camp City of Police Dept 200 Monte Verda 1.30 Angels Camp, CA 95221 miles Phone: (209) 736-2567 Business Types: Government Offices, State & Local, more	
Map Directions What's Nearby? Email a Friend Dun & Bradstreet Business Info Angels Camp City of City Hall, Building & Planning Dept 584 S Main 1.34 Angels Camp, CA 95222	
miles Phone: (209) 736-1346	
Business Types: Government Offices, State & Local, more	
Map Directions What's Nearby? Email a Friend Dun & Bradstreet Business Info	
Angels Camp City of City Hall, City Clerk-General Business 584 S Main Angels Camp, CA 95222 miles Phone: (209) 736-2181	

Business Types: Government Offices, State & Local, more...

Visit Web site

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Map | Directions | What's Nearby? | Email a Friend | Dun & Bradstreet Business Info
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Angels Camp City of City Hall, Utility Dept

584 S Main

1.34 Angels Camp, CA 95222

miles Phone: (209) 736-0139

Business Types: Government Offices, State & Local, more...

Map | Directions | What's Nearby? | Email a Friend | Dun & Bradstreet Business Info

Angels Camp City of

Fire Dept, Fire

584 S Main

1.34 Angels Camp, CA 95222

miles Phone: (209) 736-4081

Business Types: Government Offices, State & Local, more...

Map | Directions | What's Nearby? | Email a Friend | Dun & Bradstreet Business Info

Angels Camp City of

Fire Dept, Emergency, Or Fires Only

1404 Highway 4

1.39 Angels Camp, CA 95222

miles Phone: (209) 754-1187

Business Types: Government Offices, State & Local, more...

Map | Directions | What's Nearby? | Email a Friend | Dun & Bradstreet Business Info

Angels Camp City of

Fire Dept, Fire-Non Emergency

Angels Camp, CA 95222 miles Phone: (209) 736-4081

Business Types: Government Offices, State & Local, more...

What's Nearby? | Email a Friend | Dun & Bradstreet Business Info

Fire Department City of Angels Camp **Business**

Angels Camp, CA 95222

miles Phone: (209) 736-4081

Business Types: Government Offices, State & Local, more...

What's Nearby? | Email a Friend | Dun & Bradstreet Business Info

Angels Camp City of Water Treatment Plant

1131 Murphys Grade Rd

1.41 Angels Camp. CA 95222-9616

miles Phone: (209) 736-0790

Business Types: Plumbing, Heating Equipment & Supplies, more...

Map | Directions | What's Nearby? | Email a Friend | Dun & Bradstreet Business Info

Show businesses starting with: #ASCDEFGHIJKEMNOPORSTUVWXYZALL

Next >>



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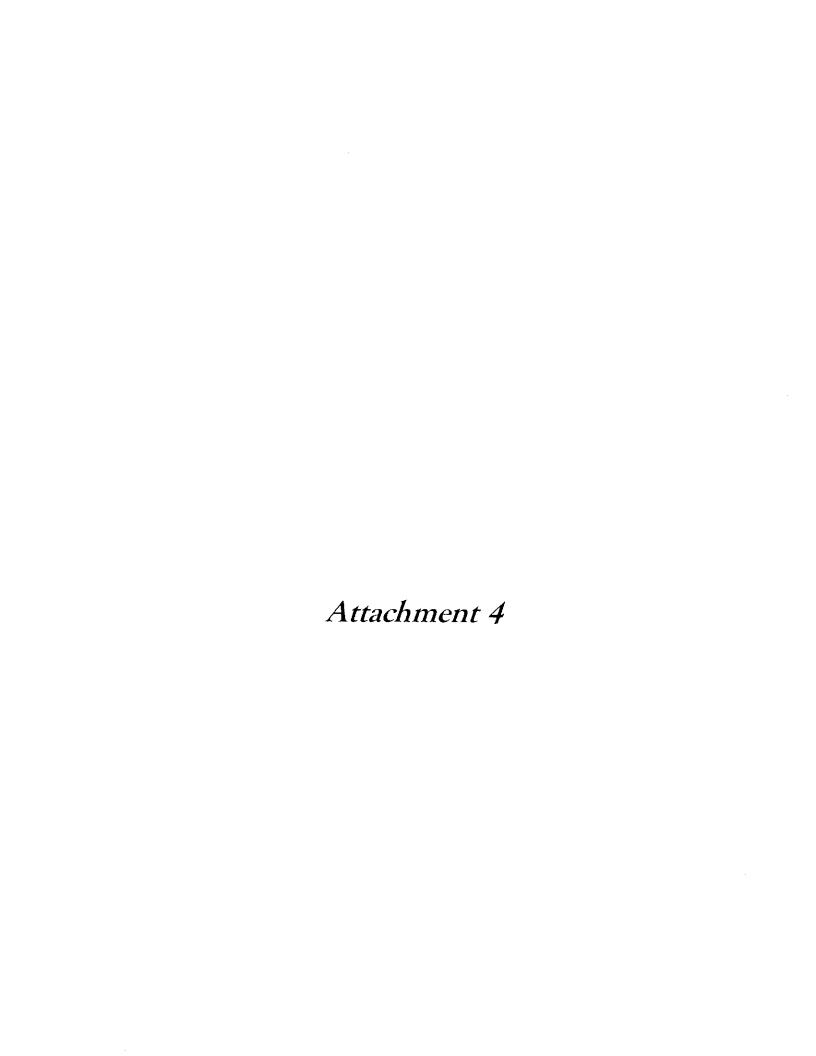
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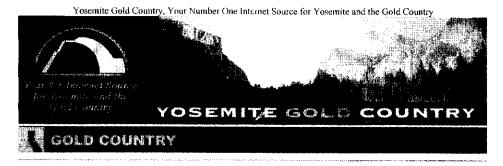
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miles Phone: (209) 7						
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Fire Department Cit 2.36 Angels Camp,	CA ZipCode					
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Welcome to Angels Camp



A Little Bit of Heaven in the Mother Lode

Welcome to Angels Camp in Calaveras County...the heart of Gold Country. Angels Camp is blessed with location, location, location. Halfway between Lake Tahoe & Yosemite, this historic community is homebase to a myriad of unique adventures. Looking to escape the tensions of urban life? You will not find a better location than Angels Camp. Read on and we'll make you a true believer!

The USA's most celebrated story writer lived nearby. Mark Twain's first published work "The Celebrated Frog of Calaveras County" made Mr. Twain a household name. All over the town, you'll find reminders of this famous man...and frog. In the third week of May, thousands of contestants from around the world bring their frogs for this most unique frog jumping competition. Want to see what the Angels Camp "city limit" signs look like? Just click here.

As we told you, Angels Camp is steeped in history. In the heart of California's Gold Country, the discovery of the precious metal played a vital role in the founding and growth of Angels Camp. A wonderful museum offers an excellent display of those golden heydays.







This is the heart of Gold Country. Would-be miners brought their hopes, dreams and prayers from all over the world...Ireland, Wales, England, Italy, Yugoslavia, China, Mexico and elsewhere. They settled this community and they continue to live here today. Click here to see the Serbian Orthodox Church and the ore-bearing railroad car at its side.

Americans have all heard stories of the pioneer one room school house. That school house exists here in Angels Camp (built in 1859). It's open for visitors and we invite you to click here for an outside view.

Angels Camp is also home to year round festivals and special events. While the Frog Jumping Jubilee captures headlines worldwide, there are many more. The <u>Celtic Faire</u> is also of major note.

We began this website visit noting Angels Camp's none better location. We end it by telling you: not only does Angels Camp provide an excellent "in town" experience...but, with Angels Camp as your base, you're minutes away from world class wineries. Our climate approximates that of reknown wine regions of France. In short, perfect soil conditions, ideal climate and varied elevations all provide the necessary ingredients to produce some of the finest wines of California.

Also close by....water sports, skiing, fishing, swimming, hiking, three huge open-to-the-public caves, giant redwoods, unique shops, fine restaurants and first class historic and picturesque photography. Looking for a place to stay that's close to everything we talk about here? May we suggest the Best Western Cedar Inn & Suites?

HOME - NEWS - WEATHER - ROAD CONDITIONS - WHAT'S NEW? - YOSEMITE - GOLD COUNTRY

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Attachment 5



P1. TOTAL POPULATION [1] - Universe: Total population Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data

NOTE: For information on confidentiality protection, nonsampling error and definitions, see http://factfinder.census.gov/home/en/datanotes/expsf1u.htm.

Angels City city, California
Total 3,004
U.S. Census Bureau

Census 2000

Standard Error/Variance documentation for this dataset:

Accuracy of the Data: Census 2000 Summary File 1 (SF 1) 100-Percent Data (PDF 44KB)

Attachment 6

PETITION FOR RULE MAKING **BYN, INC. RE-ALLOT CHANNEL 240A ANGELS CAMP, CALIFORNIA May 2005

TECHNICAL STATEMENT

1. This technical statement and attached exhibits have been prepared on behalf of KBYN, Inc. ("KI"), licensee of KBYN, Channel 240A, Arnold, California. KI requests that Channel 240A be re-allotted from Arnold, California to Angels Camp, California, as that community's first locally licensed FM station. It is noted that the proposed facility in Angels Camp, California, is mutually exclusive with the licensed KBYN facility in Arnold.

PROPOSAL

2. Channel 240A can be allotted to Angels Camp, California, with a site restriction 7.5 kilometers northeast of the community to avoid shortspacing KYMX, Channel 241B,

Sacramento, California and the vacant allotment of Channel 240A at Dos Palos, California. The geographic coordinates for the proposed allocation site are North Latitude 38° 05' 32" and West Longitude 120° 27' 22". Exhibit #1 is a map depicting where a transmitter site for Channel 240A can be located and meet the Commission's rules (not considering the licensed facilities of KSKD, Channel 240A, Livingston, California²). Exhibit #2 is a §73.207 spacing study from the proposed site, demonstrating that Channel 240A meets the Commission's minimum distance

The original request for the allotment of Channel 240A was returned by the Commission's staff due to a conflict with the vacant allotment of Channel 240A at Dos Palos, California. The original petition protected the outstanding construction permit site at Dos Palos, however, the permit was cancelled and the reference coordinates reverted to the allocation site (which had been removed from the database).

²⁾ KSKD was ordered to change its community of license to Dos Palos, California in MM Docket #00-92. This docket is now final. KSKD is operating pursuant to an implied STA at Livingston pending a relocation of its facility to Dos Palos. KI understands that KBYN may not be able to implement the requested change to Angels Camp, until KSKD implements service at Dos Palos.

separation requirements to all licensed, applied for or proposed facilities (with the exception of KSKD at Livingston, California). From the proposed reference site, a 3.16 mV/m contour will be placed over all of Angels Camp, California.³

3. Therefore, KI herein requests the following changes in §73.202(b) of the Commission's rules.

Angels Camp, California

Present

Proposed

None

240A

Arnold, California

Present 240A, 291B1

Proposed

291B1

PUBLIC INTEREST

4. The allotment of Channel 240A to Angels Camp, California, will provide that community with its first locally licensable service, without depriving Arnold, California, of its only local service, since KCFA, Channel 291B1, will remain licensed to Arnold. A re-allotted KBYN, operating on Channel 240A at Angels Camp, California, will provide 60 dBu service to 72,644 persons in 2,516.1 square kilometers.⁴ This represents a net gain of 64,433 persons in

³⁾ There is also line of sight from the proposed reference site into Angels Camp.

⁴⁾ Based on a maximum Class A facility operating with 6.0 kilowatts at 100 meters height above averaged terrain (assuming uniform terrain).

2,024.9 square kilometers over the presently licensed KBYN in Arnold, California. Once Channel 240A is allotted to Angels Camp, California, KI will submit FCC Form 301 to implement the change in community of license.

- 5. As a result of the relocation to Angels Camp, California, an area not presently receiving service from KBYN at Arnold will be created. This gain area is presently receiving service from a minimum of five full-time services. A map depicting the gain area is attached as Exhibit #3. A list of the stations serving the gain area is attached as Exhibit #3A. As such, the gain area is considered well-served.⁶
- 6. As a result of the proposed change to Angels Camp, the present 60 dBu contour of KBYN will be withdrawn from an area north and northeast of Arnold, California, which now receives service from the station.⁷ This loss area contains 2,325 persons in 2,024.9 square kilometers. A portion of this area has less than five full time services.⁸ A map depicting the loss

The theoretical 60 dBu contour of KBYN, assuming uniform terrain, provides service to 8,211 persons in 2,516.1 square kilometers. There is a common area between the theoretical KBYN and the proposed Angel's Camp facility, which would receive 60 dBu service from both. This area contains 5,886 persons in 491.2 square kilometers.

There are additional facilities serving the area, however, they were not considered, since the gain area is considered well served.

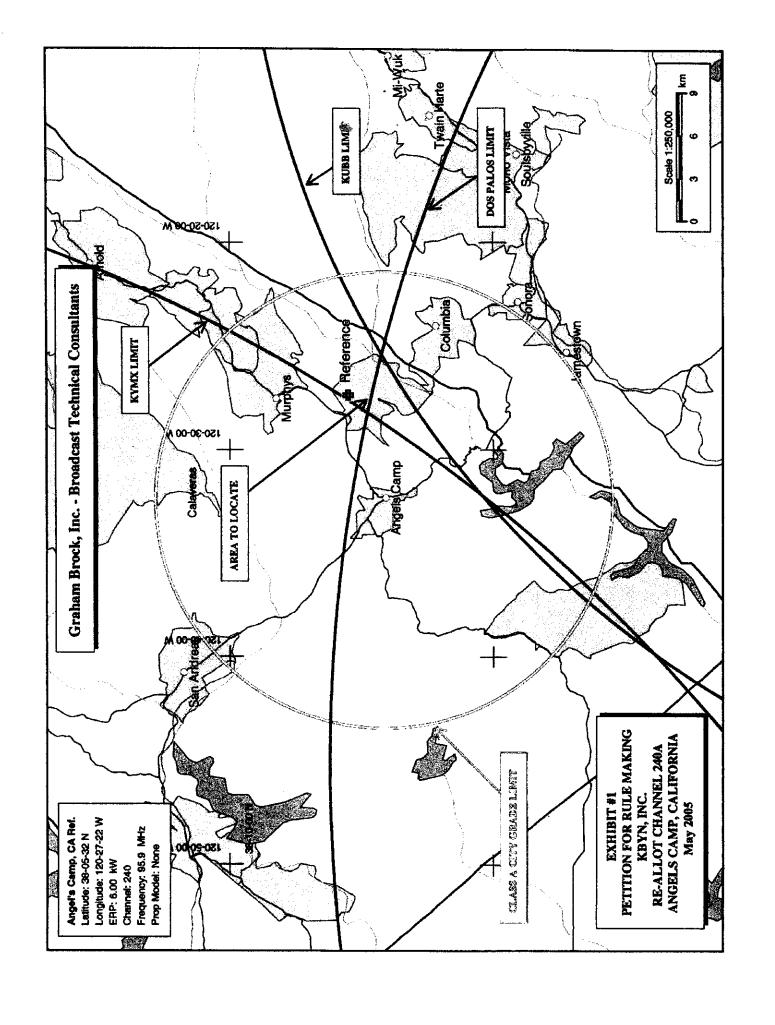
⁷⁾ Assuming uniform terrain for the KBYN operating facilities.

To determine services, all AM stations, and commercial and non-commercial FM stations in the area were reviewed. For AM Class A stations, the nighttime 0.5 mV/m contour was used for a service contour; all other AM stations nighttime interference free signals were calculated and used for service contributions. For FM commercial stations, maximum facilities were used for each Class, except A. Some Class A stations were considered 3.0 kilowatt Class A stations, while others were depicted as 6.0 kilowatt Class A stations, based on their operating facilities, or spacing review. Class C FM stations are depicted based on the 60 dBu computed using the stations power and height above average terrain. Any non-commercial FM station's 60 dBu reference contour was determined from its licensed facility. Aside from AM facilities, the FM contours assumed uniform terrain.

area is attached as Exhibit #4. Within the loss area created by the KBYN relocation, there are several under-served areas in which there less than five full-time services. There are 1,007 persons in 1,253.2 square kilometers in these areas. A list of the stations serving the loss area is attached as Exhibit #4A. As such, the proposed re-allotment will not create any white area issues. Further, Angels Camp, California, is not located in any Urbanized Area, as designated by the United States Census.

7. The foregoing technical statement was prepared on behalf of KBYN. Inc., by Graham Brock, Inc., its Technical Consultants. All data related to FM facilities was extracted from the CDBS database and all population data was extracted from the 2000 Census database. We assume no liability for errors or omissions in those databases that may be adverse to the requests contained herein.

⁹⁾ KBYN, assuming uniform terrain, provides a third service to 106 persons in 240.7 square kilometers; a fourth service to 531 persons in 468.8 square kilometers and a fifth service to 370 persons in 543.7 square kilometers.



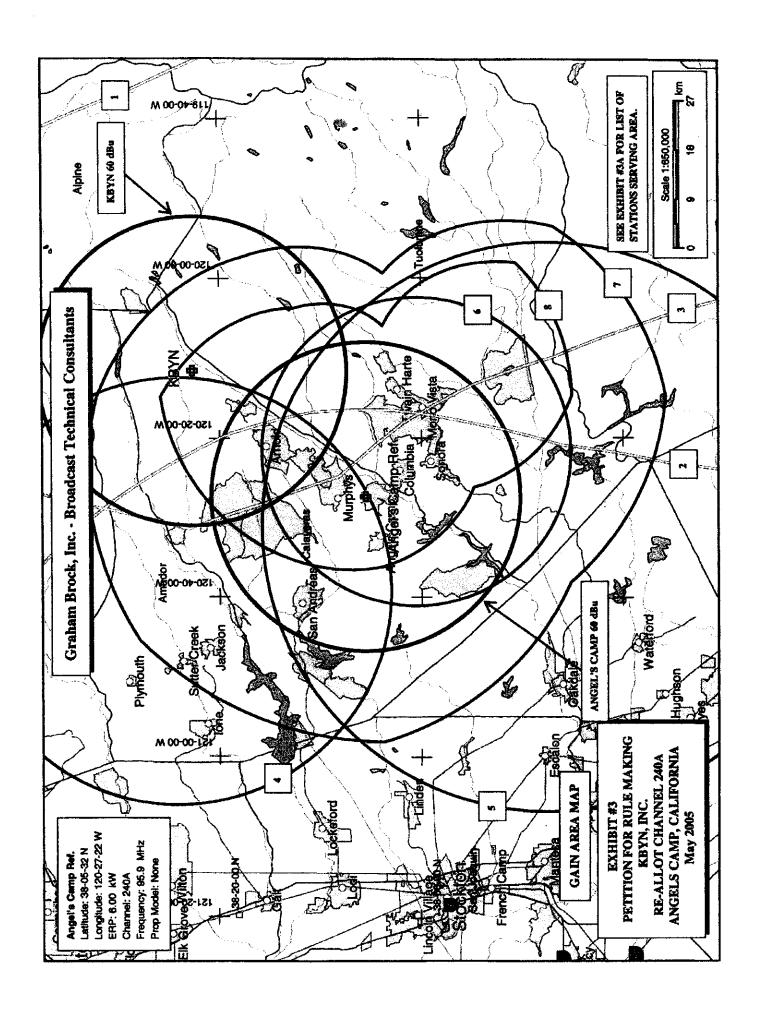
PETITION FOR RULE MAKING **KBYN, INC. RE-ALLOT CHANNEL 240A ANGELS CAMP, CALIFORNIA May 2005

EXHIBIT #2

Allocation Study for Angels Camp, California Using Proposed Allocation Site as Reference

REFERENCE 38 05 32 120 27 3	CE 2 N 22 W	Cu Chann	CLA rrent el 24	SS = A Spacings 0 - 95.9 MHz	DISPLAY DATA (SEARCH (DATES 05-14-05 05-16-05
	Channel N. Lat.	Location W. Lng. A	nt	Dist Power	Azi FCC HAAT	Margin
	ADD 240A	Angels Camp		CA 6.83 6.000 kW	214.7 115.0	-108.17
KBYN, C	CP 240A 38 22 40 KBYN, Inc.	Arnold 120 11 33	СХ	CA 39.20 0.860 kW BMPH-20020925A	35.9 115.0 263 M AM	-75.00
KBYN	LIC 240A 38 22 40 KBYN, Inc.	Arnold 120 11 33	СХ	CA 39.20 0.860 kW BLH-20021007AE	35.9 115.0 263 M	-75.80
* KSKD	LIC 240A 37 18 57 KSKD, Inc > to Channe	Livingston 120 43 20 el 240A at Dos	CN Palo	CA 89.30 3.000 kW BLH-19841113KE ss, California	195.3 115.0 93 M	-25.70
KYMX	LIC 241B 38 38 09 Infinity Ra	Sacramento 121 33 11 adio Inc.	CN	CA 113.28 50.000 kW BLH-19850313KF	302.6 113.0 145 M	0.28
		Dos Palos 120 44 52		CA 116.61 6.000 kW		
KUBB	LIC 242B 37 32 01 Buckley Bro	Mariposa 120 01 46 padcasting Cor	CX	CA 72.49 1.900 kW BLH-20020204A	148.8 69.0 639 M	3.49
KQLB	LIC 240A 36 55 35 VLB Broadce	Los Banos 120 50 42 asting, Inc.	CN	CA 133.88 6.000 kW BLH-19921207K	194.9 115.0 100 M	18.88
				CA 49.33 6.000 kW		

^{*} Note: KSKD was ordered to Channel 240A at Dos Palos, California.

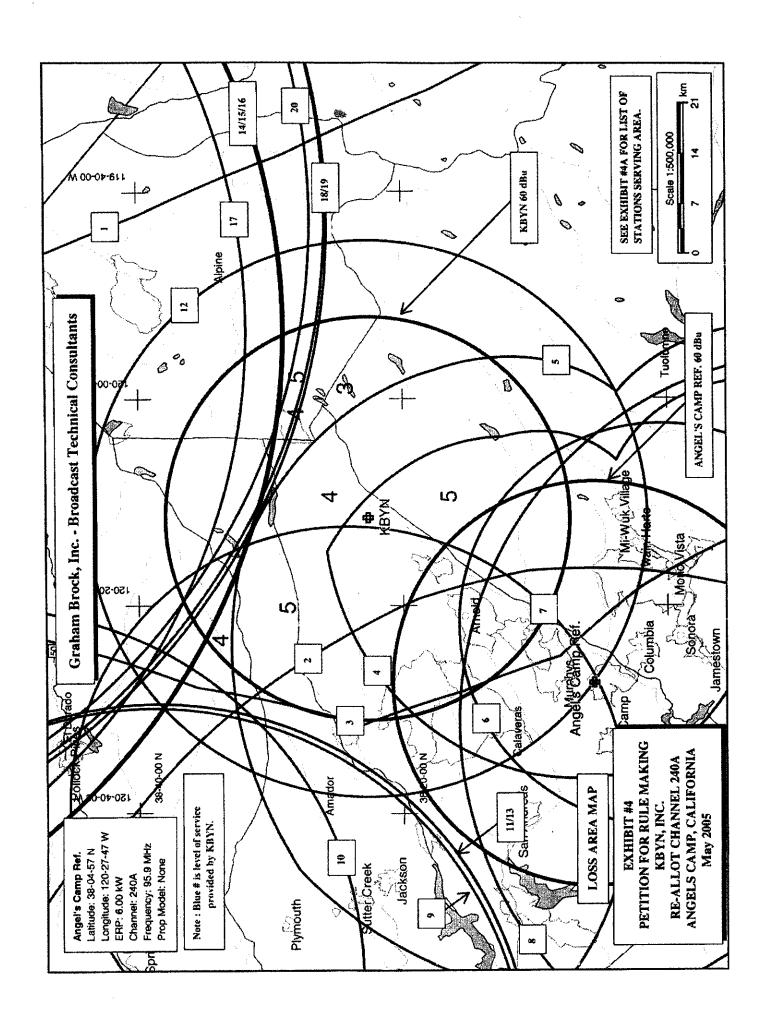


PETITION FOR RULE MAKING **KBYN, INC. RE-ALLOT CHANNEL 240A ANGELS CAMP, CALIFORNIA May 2005

EXHIBIT #3A

Tabulation of stations in KBYN Gain Area

<u>#</u>	Call Sign	Freq/Class or Channel/Class	City/State
1	KBR	680 / A	San Francisco, CA
2	KFBK	1530 / A	Sacramento, CA
3	KGO	810 / A	San Francisco, CA
4	KOSL	232B1	Jackson, CA
5	КНОР	236B	Oakdale, CA
6	KKBN	228A	Twain Harte, CA
7	KXSR	219B	Groveland, CA
8	KARQ	208B	East Sonora, CA



PETITION FOR RULE MAKING KBYN, INC. RE-ALLOT CHANNEL 240A ANGELS CAMP, CALIFORNIA May 2005

EXHIBIT #4A

Tabulation of stations in KBYN Loss Area

#	Call Sign	Freq/Class or Channel/Class	City/State
1	KBR	680 / A	San Francisco, CA
2	KFBK	1530 / A	Sacramento, CA
3	KGO	810 / A	San Francisco, CA
4	KARQ	208B	East Sonora, CA
5	KXSR	219B	Groveland, CA
6	KKBN	228A	Twain Harte, CA
7	KOSL	232B1	Jackson, CA
8	КНОР	236B	Oakdale, CA
9	KRZQ	253B	Sacramento, CA
10	KCCL-FM	270B	Shingle Springs, CA
11	KNCI	286B	Sacramento, CA
12	KCFA	291B1	Arnold, CA
13	KWOD	293B	Sacramento, CA
14	KWYL	275C	South Lake Tahoe, CA
15	KOZZ-FM	289C	Reno, NV
16	KRNO	295C	Incline Village, NV
17	KDOT	283C	Reno, NV
18	KBUL-FM	251C	Carson City, NV
19	KZTQ	247C	Carson City, NV
	~		

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia)
St. Simons Island) 55
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by KBYN, Inc., to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 24th day of May, 2005.

Jefferson G. Brock

Affidnt

Sworn to and subscribed before me this the 24th day of May, 2005

Notary Public, State of Georgia

My Commission Expires: September 3, 2007





Federal Communications Commission Washington, D.C. 20554

May 6, 2005

Dan J. Alpert, Esq.
Counsel for KBYN, Inc.
The Law Office of Dan J. Alpert
2120 N. 21st Road
Arlington, VA 22201

Dear Mr. Alpert:

This letter is regarding the petition for rulemaking you filed on behalf of KBYN, Inc., licensee of Station KBYN(FM), Channel 240A, Arnold, California, requesting the reallotment of Channel 240A to Angels Camps, California, as its first local service and modification of the Station KBYN(FM) license accordingly.

Your proposal is unacceptable for consideration at this time because it violates Section 73.208(a)(ii) of the Commission's rules. Specifically, the proposed Angels Camps reallotment is short-spaced to the FCC reference coordinates, 37-04-03 NL and 120-44-52 WL, for Channel 240A at Dos Palos, California. To this end, Station KSDK(FM)'s license was modified to specify operation on Channel 240A at Dos Palos, California in lieu of Channel 240A at Livingston, California. Station KSDK(FM) was granted a construction permit for Channel 240A at Dos Palos specifying different coordinates. However, the construction permit expired and was subsequently cancelled. As a result, the FCC reference coordinates for Channel 240A at Dos Palos must be protected.

Based on the foregoing, we are returning your petition for rulemaking.

John A. Karousos

Assistant Chief

Sincerely

Audio Division

Media Bureau

¹ See Dos Palos and Livingston, California, 15 FCC Rcd 20226 (MMB 2000).

² BMPH-200040406ACP.